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191215Z Apr 06

UNCLAS SECTION 01 OF 03 YEREVAN 000566

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SENSITIVE

EUR FOR EUR/ACE, EUR/CARC AND EUR/RPM; ALSO FOR DRL

E.O. 12958: N/A

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SUBJECT: ARMENIAN SPEAKER OF PARLIAMENT ON ELECTORAL REFORM

REF: YEREVAN 370

1. (SBU) SUMMARY: The OSCE Ambassadors' group (reftel) met with Speaker Baghdasarian of the Armenian National Assembly for an extensive briefing and discussion of electoral law revisions that have been sent to OSCE/ODIHR and the Council of Europe's Venice Commission for expert review. The new electoral procedures are to be tested in one precinct, and the revised law is scheduled to be read and adopted in early autumn. Baghdasarian engaged in a lively give-and-take with the ambassadors, living up to his reputation as one Armenian politician who "gets it" on democracy; however, he also exhibited a fascination with high technology solutions that we have observed before: he appealed for international assistance to finance the placement of movie cameras in polling places. We suggested public hearings in the fall, concurrent with the Parliament's consideration of the new law. END SUMMARY

2. (SBU) Most of the OSCE Ambassadors resident in Yerevan, minus the Belarusian and the Russian, but including the Ukrainian and the Georgian this time, met with National Assembly Speaker Artur Baghdasarian April 19 for a briefing and discussion of the revisions that are being made to the existing electoral code. Using a downscale version of PowerPoint, the Speaker walked the ambassadors, who were officially led by OSCE Head of Office Vladimir Pryakhin, through some twenty revisions to the Code (see para 4 below). The revisions have been jointly worked out by representatives of all parties present in the National Assembly, including the opposition, and have been sent to ODIHR and the Venice Commission of the Council of Europe for expert review; the results are expected in June, although Venice Commission Secretary Bucchichio has already given a positive acknowledgment.

3. (SBU) On April 18, the day before the Speaker's presentation, the OSCE-led working group on elections met to discuss the draft amendments. The consensus among participants was that the draft amendments constituted both positive and negative changes to the electoral process. Participants particularly highlighted a number of problem areas that the draft amendments do not address, including the composition of electoral commissions and campaign financing regulations.

4. (U) Here is a rough summary of the twenty changes the Speaker presented:

- secret voting as a "duty, not just a right"
- shortening the time for announcing election results (to preclude tampering)
- clarifying the responsibility for compiling voter registration lists
- public posting of voter registration lists well prior to elections, including on the internet
- new procedures for counter-signatures on tallies of participating voters
- rotation of election commission members every two hours during polling
- granting all political parties the ability to request corrections to the voter lists
- reducing the size of precincts from 2000 to an average of 1600 voters
- expanding the rights and access of political party and candidate "proxies" present in the polling places
- limiting the ability of the President to make surprise changes in electoral commissions
- static video-taping in precincts meeting certain size criteria

- cordoning off actual polling areas from other parts of precinct premises (most are in school buildings)
- placing voted ballots in sealed envelopes
- bundling voted ballots in batches of 200 or 250 to ensure greater accountability
- greater control over fresh ballot papers
- increased attention, including sanctions, for protocols that do not tally at local and regional levels
- accelerated return of official seals to safe-keeping after their use during voting
- maximum period for announcing preliminary returns to be reduced to 24 hours
- new thresholds for parties to cross in gaining party-list seats: 5 percent for a single party, 7 percent for two working in tandem, 10 percent for a bloc of three or more
- establishing more severe penalties for bribe-taking, vote-rigging and other forms of elections fraud.

15. (SBU) The Speaker mentioned one additional suggestion that he said had not yet been accepted within the ruling coalition: to reserve positions on the Central Election Commission for representatives of opposition parties. This measure continues to be discussed within the Coalition.

16. (SBU) Questions and comments put to the Speaker by the Ambassadors centered on the wisdom of relying on technical means to prevent fraud, and on the need to educate voters about their rights and responsibilities (not to sell their votes to the highest bidder). One participant asked why the voter registration list was on the police (OVIR) website and not on that of the Central Electoral Commission. The Speaker said that the list should indeed be on the CEC website, and should be broken down by marz, community, and precinct. Another ambassador asked what could be done to improve the role and even-handedness of the media during the election campaign. Yet another question involved the issue of adjudication of disputes. The Speaker pointed to three avenues for redress, an independent commission (NFI), the Central Election Commission and the Courts. He noted that an ad hoc task force within the National Assembly had been formed to shepherd the new legislation through and to deal with other related issues.

17. (SBU) Speaker Baghdasarian stressed that international pressure on Armenia was very important to ensuring that the 2007 and 2008 elections were indeed fair and free. He noted that, at present, most Armenians laugh at the mention of democratic elections (and corruption); they are deeply cynical. This cynicism had to be fought. Certain constituencies were especially well known for high levels of fraud (he mentioned Goris, Armavir and Erebuni). Both the international community and local civil society groups needed to be tough. This led the Speaker into a discussion of technical means, such as video-cameras and tamper-proof software, of thwarting attempted fraud. If the international community wanted to help equip Armenia with such tools, the help would be welcomed; if not, Baghdasarian said a second option would be to permit private ad hoc video-taping by members of the electoral commissions and party proxies (Comment: what legal status film created in this way would have remained unclear.) The total estimated cost for video cameras the Speaker put at 100,000 Euros. There were no immediate takers.

18. (SBU) In the course of a discussion of how to raise the awareness of voters themselves of their rights and responsibilities, Ambassador Evans suggested that a public hearing held at the National Assembly in conjunction with the first or second reading of the new electoral law could provide a useful and effective forum. The role of the broadcast media in building public support for democratic institutions was also emphasized by several speakers.

19. (SBU) At the session's end, OSCE Head of Office Pryakhin express the group's gratitude to the Speaker for his presentation and his determination to improve the electoral process, and added that the OSCE stood ready to provide relevant assistance. Pryakhin announced that the OSCE Office planned to publish a guidebook to democratic elections in two versions (shorter for voters, longer for election officials) for which the price tag was 40,000 Euros. He summarized the sentiment of the group that political will was the key ingredient for the growth of genuine democracy, and that only the Armenian authorities themselves could guarantee democratic elections in 2007 and 2008.

Comment  
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10. (SBU) Our initial view on the proposed changes to the electoral code is that while a majority of the items are positive, one or two are regressive and several others are likely to simply complicate the election process without adding much value. We will continue to review and discuss the proposed changes over the coming weeks and will look forward to the comments of other reviewers, particularly OSCE's ODIHR.

EVANS